

**TOWN OF FREMONT
SELECTMEN'S ORDINANCE**

FROST BAN

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 31:39, in order to promote the general welfare of the citizens of the Town of Fremont, the following Ordinance is hereby enacted:

SECTION 1 PURPOSE: In order to prevent heavy vehicles from damaging Fremont Town roads, to prevent extraordinary Town maintenance expenses, whenever the frost thaws within Town roadways, the Board of Selectmen hereby enacts the following Ordinance in accordance with the provisions of New Hampshire Revised Statutes Annotated 231:191 as amended.

SECTION 2 DEFINITIONS:

Emergency vehicles as defined in RSA 259:28 shall mean all vehicles of Fire Departments and Police Departments and such ambulances and emergency vehicles of municipal departments or public service corporations as authorized by the Director of the Division of Motor Vehicles or by the Board of Selectmen of the Town of Fremont, New Hampshire.

Gross vehicle weight rating or GVWR as defined in RSA 259:38-B shall mean the value specified by the manufacturer as the maximum loaded weight of a single vehicle or registered gross weight rating, whichever is greater.

SECTION 3 ACTS PROHIBITED: No person shall be permitted to operate any vehicle which exceeds a gross registered vehicle weight of ten (10) tons (20,000 pounds) on any Town road, with the exception of local deliveries. This shall be posted in accordance with this Ordinance.

SECTION 4 EXCEPTIONS: Vehicles that meet one of the following conditions shall be exempt from the seasonal weight limit during the Frost Ban:

- a. When the vehicle is being operated from point to point in Fremont for the purpose of local deliveries.
- b. When the vehicle is being operated to a designated point in Fremont to make a delivery.
- c. When the vehicle is being operated from a permanent base of operation in Fremont to a designated truck route.
- d. When the motor truck is an emergency vehicle or highway maintenance vehicle in the normal process of its duties.
- e. When the motor truck is being operated at the direction of a Police Officer.

Any person who meets the criteria outlined in NH RSA 231:191 V shall be entitled to an exception to maximum weight limits, subject to the regulations and statutory obligations concerning bonding and restoration of highways.

The Fremont Road Agent shall be authorized to grant written permission for exceptions pursuant to NH RSA 231:191 III. The Road Agent may impose reasonable conditions and may establish reasonable regulations for bonding and restoration of highways.

SECTION 5 POSTING OF NOTICE: The Fremont Road Agent shall notify the Board of Selectmen annually when the frost begins to thaw in the Town roadways and the Board of Selectmen shall authorize the Highway Agent to post notices of these conditions and the weight limit on all Town roads.

The erection, removal and maintenance of all such signs shall conform to applicable State Statutes and the latest edition of the Manual on Uniform Traffic Control Devices.

SECTION 6 PENALTIES: Persons violating such maximum weight limits in this Ordinance shall be subject to a fine of five hundred dollars (\$500) and the penalties and remedies described in NH RSA 231:191.

SECTION 7 ENFORCEMENT: All law enforcement agencies and officers and officials of said agencies of this State or any political subdivision thereof are hereby authorized, empowered and directed to enforce compliance with this Ordinance.

SECTION 8 INCONSISTENCY WITH OTHER ORDINANCES: All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9 EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage. This Ordinance adopted by the Board of Selectmen this 28th day of July 2011.

Witness our hands and seal this 28th day of July 2011.

Fremont Board of Selectmen

/ s / Brett A Hunter

/ s / Greta St Germain

This is to certify that on the Second day of August 2011, at 11:00 o'clock in the forenoon, the above Ordinance was filed and recorded in the records of the Town of Fremont NH.

Witness my hand and seal this Second day of August 2011.

/ s / Lori A Holmes
Town Clerk